

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS,  
WICHITA FALLS DIVISION

FARYION EDWARD WARDRIP	§	
<i>Petitioner</i>	§	
	§	
v.	§	No. 7:01-cv-00247-G-BT
	§	(Death Penalty Case)
DIRECTOR, TDCJ-CID	§	
<i>Respondent</i>	§	

PETITIONER'S OPPOSED MOTION FOR STAY PENDING  
RESOLUTION OF PETITION FOR A WRIT OF CERTIORARI

In 2018, this Court granted habeas relief under 28 U.S.C. § 2254(d)(2) to death-sentenced Faryion Wardrip on his prison-record ineffective-assistance ground. *See Wardrip v. Davis*, 7:01-CV-247-G, 2018 WL 1536279, (N.D. Tex. Mar. 29, 2018). The Fifth Circuit reversed this Court's judgment, and on February 26, 2021, the court remanded the case to this Court to consider whether Wardrip is entitled to relief under Section 2254(d)(1). *Wardrip v. Lumpkin*, 838 Fed. Appx. 99, 100 (5th Cir. 2021). This Court ordered Wardrip to file an amended habeas petition on or before July 11, 2021. ECF Doc. 218

Wardrip is preparing a petition for a writ of certiorari challenging the Fifth Circuit's judgment, however, and under the Supreme Court's March 19, 2020, order relating to COVID-19, Wardrip has until July 26, 2021, to do

so. Accordingly, Wardrip moves this Court to stay the proceedings in this case pending the resolution of his soon-to-be-filed petition for a writ of certiorari. *See Inclusive Communities Project, Inc. v. Tex. Dep't of Hous. & Cmty. Affairs*, 3:08-CV-0546-D, 2014 WL 2815683 (N.D. Tex. June 23, 2014) (staying proceedings on remand pending resolution of petition for a writ of certiorari).

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

On July 2, 2021, I conferred with Katherine Hayes, counsel for the Director. She stated that she is opposed to this motion.

/s/ Bruce Anton  
Bruce Anton